

*Before the*  
**Federal Communications Commission**  
*Washington, DC 20554*

In the Matter of	)	
	)	
<b>Amendment of Part 74 of the Commission's</b>	)	
<b>Rules Regarding FM Translator Interference</b>	)	<b>MB Docket No. 18-119</b>
<b>For FM Translator Stations</b>	)	
	)	

To: **Office of the Secretary**  
Directed to: **The Commission**

**COMMENTS OF ALELUYA BROADCASTING NETWORK**

Aleluya Broadcasting Network (“Aleluya”) hereby submits comments with regard to the Commission’s proposal for dealing with the topic of resolution of FM translator interference. Aleluya is the licensee of six FM translator stations in the Houston area, as well as several full-power FM stations. In support of aspects of the *NPRM*, the following is stated:

As the Commission recognizes, FM translators have become an increasingly important part of the broadcast spectrum. Not only do they enhance the signal of FM stations in spotty areas, they also play an important role in assisting AM stations survive in a competitive world, and they also help bring new broadcast service through to various markets through the rebroadcast of digital signals from AM or FM stations. In many cases, FM translators are unfairly attacked by full service stations through the filing of questionable interference claims. Sometimes, the interference claims are from areas that are unreasonable distances from the allegedly-affected primary station. Finally, many times, when attempts are made to contact the “complainant,” it turns out the complainant does not exist, does not respond, or else in actuality has no interest in assisting in the resolution of the alleged “interference.”

The FCC’s current practice of allowing as few as even “one” legitimate complaint to

potentially destroy FM translator service is unreasonable. For this reason, reforms in the FCC's practices clearly are appropriate.

With this in mind, Aleluya supports the FCC's proposal to provide FM translators additional flexibility to resolve interference difficulties by modifying the definition of "minor change," and allowing FM translators to move to any other channel in the spectrum through the filing of a minor change application. This would be no different than the policy that already exists for full-service FM stations, whereby a Class A station is permitted, through the filing of a one-step application, to move to any other frequency where it can exist as a Class A, a Class B can move to any other frequency as a Class B, etc. This flexibility also is permitted in certain contexts for LPFM stations. To provide this flexibility would potentially allow an FM translator to move to a significantly distant frequency from its original frequency, thus preserving the signal and audience of the other prior-existing FM station. This proposal would potentially help resolve a number of interference controversies at the FCC.

The FCC also is proposing to establish a predicted signal limit for signal remediation. Especially because many AM stations and providers of new services to a community need some degree of certainty that their initiation of new service is worth the substantial financial investment being made to establish the service, there needs to be an outside outer limit for consideration of interference complaints. There is little question, for example, that while some signals can be somewhat "heard" a great distance away if the broadcaster by chance enjoyed in the past a relatively vacant frequency, efficient use of spectrum nevertheless also should permit an FM translator to be allowed use of that vacant spectrum, even if it unfortunately affects some portion of the full-service broadcaster's secondary service area. Spectrum efficiency suggests a balancing

of the competing concerns is appropriate. The 54 dBu contour as the outer limit for a full service station complaint to be cognizable would appear to be reasonable. Establishing a limit such as this will eliminate or resolve a great number of interference controversies at the FCC.

Aleluya also supports the concept that there should be a certain “threshold” number of complaints that should be filed before an FM translator would be forced off the air. Generally speaking, six to ten complaints would appear to be a reasonable number. However, for the reasons stated below, a mere numerical limit should not be the only criteria. Rather, for whatever number is adopted, it is important that each of those numbered complaints be determined to be *legitimate* complaints. That is to say, for an existing popular broadcast station to solicit many listeners to attack a new FM translator and file a flood of “interference complaints” says nothing about the quality, veracity, or relevance of each of the “interference complaints.” For example, some listeners file “complaints” just as a friendly endeavor as a favor to the station. If those complainants do not receive actual interference from the FM translator (*regardless* of the “U/D ratio” that happens to exist at their location), those complaints should not count toward whatever minimum number is established by the FCC. Some persons file “interference complaints” without specifically saying (or having the ability to even know) whether or not that the FM translator is the source of their interference problem (or else some other source). While utilization of the “U/D ratio” may allow some determination or speculation to be made about the source of the interference, in many cases, it may not. Full service stations should not have the ability to have those complaints count toward the “minimum number” established by the FCC in such instances. Finally, where attempts are made to contact complainants and they will not allow themselves to be contacted (by not picking up letters sent Certified Mail, not responding to emails,

and not responding to phone messages, etc.), again, regardless of the computed “U/D ratio” methodology that is being proposed by the FCC, complaints from those parties also should not count toward the “minimum number” of complaints to be established by the FCC.

The FCC, therefore, is going too far in its proposal to eliminate the current requirement that the complaining listener cooperate with remediation efforts. While Aleluya is in favor of the FCC’s proposal to firm up its requirements by requiring that complainants provide contact information, a description where the interference is located, and certify that the complainant listens at least twice a month, etc. (NPRM at ¶ 19), nevertheless the FM translator licensee should still be permitted to contact the complainant; see if it even *receives a response* from the complainant; have the ability to go to the location and listen for itself (on the complainant’s own equipment) the nature and extent of the alleged interference, etc. As noted, in most cases, even when information such as that proposed by the FCC has already been filed under the current complaint process, it is discovered that that complainant does not actually exist, is not interested in pursuing the claim, is not receiving actual interference from the FM translator, etc. These are not legitimate complaints, and should not at all be considered by the FCC in its administrative processes with regard to the resolution of the case.

As a part of the listener complaints, the FCC should clarify that electronic signatures from complainants are not enough – the complaint should bear the complainant’s actual signature for the complaint to be legitimate and counted. Also, the address to be provided should be a complainant’s *residence* address, not an office address or Post Office address. Finally, it is more important that the map that is proposed to be provided by the station plot the *location of the alleged interference* relative to the contour of the broadcast station, not merely the “address” of the

complainant.

**WHEREFORE**, it is respectfully requested that these Comments be accepted.

Respectfully submitted,

**ALELUYA BROADCASTING  
NETWORK**

By: \_\_\_\_/Ruben Villarreal/\_\_\_\_\_

Member

*August 6, 2018*